

ESTTA Tracking number: **ESTTA292341**Filing date: **06/29/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	3Com Corporation
Granted to Date of previous extension	06/28/2009
Address	350 Campus Drive Marlborough, MA 01752 UNITED STATES
Attorney information	Raymond I. Geraldson, Jr. Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP 311 S. Wacker Drive, Suite 5000 Chicago, IL 60606 UNITED STATES RIG@pattishall.com, TC@pattishall.com, TDT@pattishall.com

Applicant Information

Application No	77546011	Publication date	12/30/2008
Opposition Filing Date	06/29/2009	Opposition Period Ends	06/28/2009
Applicant	Intellijax Corporation 62 Upper Mountain Avenue Rockaway, NJ 07866 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Educational software featuring instruction in mathematics, science, computer science, social sciences, languages, and test taking techniques

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2960761	Application Date	10/25/2002
Registration Date	06/07/2005	Foreign Priority Date	NONE
Word Mark	INTELLIJACK		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: First Use: 2004/01/19 First Use In Commerce: 2004/01/19 Connectivity devices that allow users to connect to wired and wireless devices, namely, switches, routers, and hubs; LAN hardware providing access to voice, video, audio, and messaging data, via wired and wireless connections

Attachments	intellijax.pdf (3 pages)(74788 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/TDT/
Name	Teresa D. Tambolas
Date	06/29/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of App. Ser. No. 77/546,011: INTELLIJAX

3COM CORPORATION,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
INTELLIJAX CORPORATION,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

3Com Corporation ("3Com"), a Delaware corporation having a principal place of business at 350 Campus Drive, Marlborough, Massachusetts, believes it will be damaged by registration of the mark INTELLIJAX, App. No. 77/546,011, and opposes the same. As grounds for opposition, 3Com alleges:

1. Since long prior to the filing date of the opposed application, 3Com continuously has used INTELLIJACK in commerce as a trademark in connection with the sale, advertising, and promotion of connectivity devices and LAN hardware.
2. 3Com has sold substantial quantities of these goods under its INTELLIJACK trademark and has spent substantial sums to advertise and promote its INTELLIJACK trademark throughout the United States. As a result, 3Com has built up and now owns a valuable goodwill which is symbolized by its INTELLIJACK trademark.
3. 3Com owns a valid and subsisting registration of its INTELLIJACK mark for "connectivity devices that allow users to connect to wired and wireless devices, namely, switches, routers, and hubs; LAN hardware providing access to voice, video, audio, and messaging data, via wired and wireless connections" (Reg. No. 2,960,761).

4. On August 13, 2008, Applicant filed an intent-to-use application to register the mark INTELLIJAX for "educational software featuring instruction in mathematics, science, computer science, social sciences, languages, and test taking techniques" (App. No. 77/546,011).

5. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has any basis for claiming rights in the mark INTELLIJAX prior to the filing date of the application.

6. Applicant's use and registration of the INTELLIJAX mark is likely to cause confusion, mistake, or deception with 3Com and its INTELLIJACK mark, and is likely to cause purchasers and others erroneously to believe that Applicant's goods are 3Com's goods, or that Applicant or its goods are in some way connected with, sponsored, or approved by 3Com.


7. Applicant's application to register the mark INTELLIJAX was filed without 3Com's consent.

WHEREFORE, 3Com prays that its opposition be sustained and registration of Application Serial No. 77/546,011 be refused.

3Com submits the requisite filing fee of \$300.00 herewith. Please address all correspondence to Raymond I. Geraldson, Jr., Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: June 29, 2009

By 
Raymond I. Geraldson, Jr.
Thad Chaloehtiarana
Teresa D. Tambolas
311 South Wacker Drive, Suite 5000
Chicago, Illinois 60606
Telephone (312) 554-8000

Attorneys for Opposer, 3Com Corporation

CERTIFICATE OF SERVICE

I hereby certify that a copy of 3Com Corporation's **Notice of Opposition** was served upon Applicant's counsel on June 29, 2009, via first class mail, at the following address:

Peter Nussbaum, Esq.
Wolff & Samson PC
1 Boland Drive
West Orange, NJ 07052-3686

Jessa D Tambolis